



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**DEC 18 2014**

N & C Investments  
1021 Madison 523  
Fredericktown, Missouri 63645

Dear Mr. Cureton and Mr. Neel:

On November 5, 2014, we met at the Conrad Tailings (OU4) location with representatives from the Missouri Department of Natural Resources and the Missouri Department of Conservation to discuss the remedial design for the property. I am providing this letter in response to your request for a written update concerning the continued use of the property for a repository, the status of the design and the future remedial action to be performed at your property.

During our meeting, we discussed the design in consideration of your input. According to the MDNR, you were informed the design has a build-in (freeboard) capacity of approximately 40,000 cubic yards for additional disposal. Soil in the initial phase of the residential cleanup (estimated as the first full year of construction), lead-contaminated soil/chat discovered as part of the Voluntary Institutional Control Project (VICP) and soil around the perimeter and floodplain of OU4 will be disposed of at the repository until a new repository is developed. However, the cumulative amount of soil will not exceed the MDNR design capacity.

The U.S. Environmental Protection Agency is currently developing documents in preparation for the procurement process to award a contract that will jointly address the construction needs to complete remediation of the remaining residential properties (OU3), and OU4. Once remedial action is initiated, the OU3 and OU4 response actions are intended to begin simultaneously. The start of construction is anticipated sometime before the end of September 2015, assuming that the contracting process is not impeded by protests or disputes, the contractor who is awarded the contract successfully provides all pre-construction deliverables and is able to mobilize to the site in a timely fashion. You were informed that the EPA is unable to make any commitments or guarantees on the timeline of these activities considering that many issues involving site-specific contracting are beyond the agency's control. You have also been informed that construction will not begin at OU4 until the covenant agreement under the Missouri Environmental Covenant Act is fully executed between you (property owners), the State of Missouri and the EPA. This document will be forthcoming and will be accompanied with a printout of the final design.

During the interim period between now and the start of the site construction, the EPA plans to make necessary repairs to the repository as it relates to access and stabilization (i.e. erosion damage to roads and sediment basins). The repairs will be made to accommodate continued use of the repository and to prevent off-site migration of lead contamination. The EPA is hopeful the current needed repairs to the road(s), drainage crossing and primary sediment basin just beyond the entrance gate will be initiated soon.

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Past issues with the entrance gate appear to be resolved with the placement of a combination lock. For the purpose of the EPA's continued use of the repository for disposal and inspection purposes, this same lock must remain intact. You have been informed that the numerical combination to the lock will (and has) only been provided to the EPA contractor(s) accessing the repository for authorized disposal and maintenance; the Madison County Health Department who is currently maintaining the VICP; and the MDNR/MDC for design and inspection purposes. Should this lock be damaged or removed, the EPA will request a lock of similar construction and competency be installed to replace it. The EPA encourages you to keep the numerical combination confidential for the sake of site security to prevent trespassing.

The EPA is aware of your future plans for residential development outside the OU4 boundaries contiguous to the current repository/tailings location. You are aware that OU4 is part of the Madison County Mines Superfund Site and was included to the National Priority List in 2003. As property owners, you have certain liabilities under the Comprehensive Environmental Response, Liability and Compensation Act (CERCLA). You should be aware that unauthorized/unescorted access to the repository and any areas in its immediate perimeter should be minimized, and that any disturbance activities at the repository and associated creek channel, floodplain and riparian areas that result in the transport of materials outside such locations (use of materials, tracking, etc.) or spread of contamination may be considered your responsibility to correct.

You are kindly requested to keep the EPA and MDNR informed of any and all plans for construction or disturbances in the general location of OU4 so that issues involving potential cross-contamination can be avoided and addressed in advance.

Your continued patience and cooperation concerning the response actions necessary to remediate your property is greatly appreciated. Please feel free to contact me at (913) 551-7603 with any questions you may have concerning the future actions to be taken on your property.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Kellerman", with a long horizontal flourish extending to the right.

Dan Kellerman  
Remedial Project Manager  
Special Emphasis Remedial Branch  
Superfund Division

c: Ms. Becky McFarland, MCHD  
Mr. Evan Kifer, MDNR